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13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16  
 17 LOUELLA BOREN and LEROY BOREN,  
 18 Plaintiffs,  
 19 vs.  
 20 J.C. PENNEY CORPORATION, INC.,  
 21 Defendant.

Case No.: C 07-03532 EDL

22 **STIPULATION OF THE PARTIES**  
**TO VACATE AND RESCHEDULE**  
**CONTINUED SETTLEMENT**  
**CONFERENCE AND [Proposed]**  
**ORDER THEREON**

Date: August 19, 2008

Trial Date: December 8, 2008

Pre-trial Conf. Date: November 18, 2008

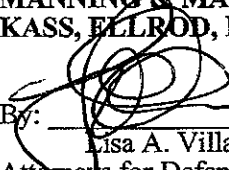
23 Pursuant to the good faith meet and confer between counsel for the parties, it has been  
 24 agreed and a stipulation reached that the Further Settlement Conference set for August 19, 2008 be  
 25 vacated and reset to allow the defense additional time to prepare further settlement authority for the  
 26 conference. In the interim of the reset Further Settlement Conference, the parties will continue to  
 27 negotiate informally on their own.  
 28

1 The parties have advised Chief Justice Magistrate James Larson's clerk, Wing Hom of the  
 2 requested continuance. The parties have been advised that Chief Magistrate Judge Judge Larson is  
 3 unavailable through the end of September, and the new settlement conference date will be set after  
 4 September 30, 2008. Defense counsel will contact Deputy Clerk Venice E. Thomas upon her return  
 5 on Monday, August 18, to obtain a mutually available date for the conference.

6 SO STIPULATED and respectfully submitted,

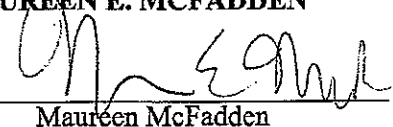
7 Dated: August 15, 2008

**MANNING & MARDER  
 KASS, ELLROD, RAMIREZ LLP**

8  
 9 By:   
 10 Lisa A. Villasenor  
 11 Attorneys for Defendant,  
 12 J.C. PENNEY CORPORATION, INC.

13 Dated: August 15, 2008

**LAW OFFICES OF  
 MAUREEN E. MCFADDEN**

14 By:   
 15 Maureen McFadden  
 16 Attorneys for Plaintiffs,  
 17 LOUELLA BOREN and LEROY BOREN

**ORDER**

**IT IS HEREBY ORDERED,**

- 18 1. That the Further Settlement Conference of August 19, 2008 is vacated:
- 19 2. That the date of the Further Settlement Conference is reset for

20 \_\_\_\_\_, 2008

21 Dated: \_\_\_\_\_, 2008

22 By: \_\_\_\_\_  
 23 Chief Magistrate Judge James Larson

**CERTIFICATION OF SERVICE**

*LOUELLA BOREN AND LEROY BOREN v. J.C. PENNEY CORPORATION, INC.*  
United States District Court - Northern District Case No.: (C 07-03532 EDL)

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One California Street, Suite 1100, San Francisco, CA 94111.

On the date indicated below, I served the document described as **STIPULATION OF THE PARTIES TO VACATE AND RESET FURTHER SETTLEMENT CONFERENCE AND [Proposed] ORDER THEREON** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Maureen E. McFadden, Esq.  
Law Offices of Maureen E. McFadden  
819 Bancroft Way  
Berkeley, CA 94710  
Phone: (510) 845-5203  
Fax: (510) 868-0976

**Attorney for Plaintiffs**  
**LOUELLA BOREN and LEROY BOREN**

☒ **(BY MAIL)** I caused such envelope to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

I placed such envelope with postage thereon prepaid in the United States mail at San Francisco, California.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(BY OVERNIGHT COURIER):** I placed the above-referenced document(s) in an envelope for collection and delivery on this date in accordance with standard \_\_\_\_\_ overnight delivery procedures.

☐ **(BY FACSIMILE)** I telecopied such document to the offices of the addressee at the following fax number:

☐ **(BY PERSONAL SERVICE)** I delivered such envelope by hand to the offices of the addressee.

☐ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 15, 2008 at San Francisco, California.

  
\_\_\_\_\_  
Carlos Rios